

REMARKS

1. Claims 1-10 are pending and stand rejected. This communication amends claims 1 and 8.

Reconsideration of this application is respectfully requested.

2. The disclosure stands objected to because it appears to use the term “hypothesis” to mean “embodiment,” which is objectionable to the examiner. In response, the specification has been amended to change the term “hypothesis” to -- embodiment --, where appropriate. Accordingly, withdrawal of this objection is respectfully requested.

3. Claims 1 and 8 stand objected to because claim 1 uses bullets and claim 8 depends from itself. In response, claim 1 has been amended to eliminate the bullets and claim 8 has been amended to depend from claim 7. Accordingly, withdrawal of this objection is respectfully requested.

4. Claims 1, 3, 5, 6, 8, 9 and 10 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,115,821 to Newby. This rejection is traversed because Newby does not expressly or inherently describe all the features of claim 1. Among other features, claim 1 requires “a data signal decoder” and “a descrambling means for descrambling the data signals...wherein the descrambling means comprise hardware for executing a conditional access software program for controlling the descrambling of said data signals, said software program being intended to be transported to the descrambling means by the enabling signal.”

The examiner contends that column 5, lines 28-35 of Newby teach the claimed decoder, column 6, lines 1-20 of Newby teach the claimed descrambling means, and that column 5, lines

43-60 of Newby teach the claimed descrambling means hardware. Newby describes a demultiplexer 53 coupled to a decryptor 51 in column 5, lines 28-35 and in column 6, lines 1-20. It is not clear from the rejection which of these two elements is considered the claimed decoder and which is considered the claimed descrambling means. In any case, the demultiplexer is neither a decoder nor a descrambling means. A demultiplexer is basically a device that separates signals that have been combined for transmission over a single channel. In FIG. 3 of Newby, demultiplexer 53 processes combined signal 59 into clear information signal 14 and entitlement messages signal 60. One of ordinary skill in the art would not consider the Newby demultiplexer to be a decoder or a descrambling means.

In addition, neither the demultiplexer nor the decryptor of Newby, comprise hardware for executing a conditional access software program for controlling the descrambling of data signals, as does the claimed descrambling means.

For at least the above reasons, claim 1 is allowable over Newby. With respect to claims 3, 5, 6, 8 and 9 which depend upon claim 1 and recite additional features of the invention, applicants believe these claims to be allowable over Newby for at least the same reasons as stated for claim 1.

Claim 10, among other features, requires “descrambling means comprising hardware for executing said software program.” As stated above, neither the demultiplexer nor the decryptor of Newby, comprise hardware for executing a conditional access software program. For at least this reason, claim 10 is allowable over Newby.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

5. Claim 2 stands rejected under 35 USC 103(a) as being unpatentable over Newby in view of U.S. Patent 5,029,207 to Gammie.

Claim 2 depends from claim 1 and therefore includes the subject matter recited in claim 1, which is not described in Newby.

The addition of Gammie fails to cure the deficiencies of Newby, as Gammie merely teaches a decoder including a descrambler. Since Newby in view of Gammie fail to teach or suggest all the features of claim 2, the same is allowable thereover.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

6. Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over Newby in view of "Functional Model of a Conditional Access System" EBU Project Group (the EBU document).

Claim 4 depends from claim 1 and therefore includes the subject matter recited in claim 1, which is not described in Newby.

The addition of the EBU document fails to cure the deficiencies of Newby, as the EBU document merely teaches that an output device with a decoder component. Since Newby in view of the EBU document fail to teach or suggest all the features of claim 4, the same is allowable thereover.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

5. Claim 7 stands rejected under 35 USC 103(a) as being unpatentable over Newby in view of EP 1168137A1 to Della Valle.

Claim 7 depends from claim 1 and therefore includes the subject matter recited in claim 1, which is not described in Newby.

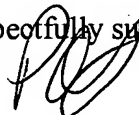
The addition of Della Valle fails to cure the deficiencies of Newby, as Della Valle merely teaches a detachable smart card reader capable of interacting with a device and a smartcard. Since Newby in view of Della Valle fail to teach or suggest all the features of claim 7, the same is allowable thereover.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

6. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-10 are in condition for allowance. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

7. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



PAUL A. SCHWARZ
Registration No. 37,577

Duane Morris LLP
P.O. Box 5203
Princeton, New Jersey 08543
(609) 631-2446 - telephone
(609) 631-2401 - facsimile